

## REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this Amendment, claims 1 and 25 will be amended, leaving claims 1-29 pending with claims 1 and 25 being independent.

Applicant notes that while all claims 1-29 are indicated as rejected in the Office Action Summary, claim 15 is not addressed in the substantive portion of the Office Action. Since Applicant is unable to address a substantive rejection for claim 15 in this response, Applicant will assume for the purposes of this office action that dependent claim 15 contains allowable subject matter. Clarification of the status of claim 15 would be appreciated.

### **Rejections Under 35 U.S.C. §102(b)**

Claims 1, 2, 4-6, 11, 12, 16 and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,851,003 to Lindstrom. The Action states that the Lindstrom patent teaches a method as recited in these claims.

Applicant submits that amended independent claim 1 recites features not disclosed or suggested by the cited prior art. Specifically, claim 1 recites, among other things, a method of treatment of refractive error in the eye, including the steps of separating a first surface of the first corneal layer from a second surface of the second corneal layer, forming a flap and exposing the second surface at an area that intersects the main optical axis and coating a surface of the inlay after implanting the inlay with a compound that promotes bonding with the cornea with the area that intersects the main optical axis.

The Lindstrom patent discloses implanting an intracorneal lens 10 in the corneal stroma of the eye. However, the Lindstrom patent does not disclose, teach or suggest forming a flap and exposing the second surface at an area that intersects the main optical axis and coating a surface of the inlay after implanting the inlay with a compound that promotes bonding with the cornea with the area that intersects the main optical axis.

Accordingly, Applicant submits that independent claim 1 and its dependent claims 2-24 are allowable over the Lindstrom patent.

#### **Rejections Under 35 U.S.C. §103(a)**

Claims 1, 3, 8, 9, 19-26, 28 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Lindstrom patent in combination with U.S. Patent No. 4,842,599 to Bronstein and U.S. Patent No. 5,713,957 to Steele et al. The Action states that the combination of these three references renders these claims obvious.

#### **Independent Claim 1**

Applicant submits that the Bronstein and Steele patents do not overcome the deficiencies of the Lindstrom patent. Specifically neither reference discloses, teaches or suggests forming a flap and exposing the second surface at an area that intersects the main optical axis.

Additionally, none of the cited references disclose, teach or suggest coating a surface of the inlay after implanting the inlay with a compound that promotes bonding with the cornea with the area that intersects the main optical axis, as recited in amended independent claim 1.

The Bronstein patent discloses a prosthetic cornea that replaces a cylindrical plug or portion of the cornea. There is no disclosure or suggestion of a flap exposing the second surface at an area that intersects the main optical axis.

The Steele patent discloses corneal inlays for implantation into or onto the cornea of a mammal; however there is no disclosure or suggestion of a flap exposing the second surface at an area that intersects the main optical axis.

Accordingly, Applicant submits that independent claim 1 and its dependent claims 2-24 are allowable over the cited references.

#### Independent Claim 25

Amended independent claim 25 recites subject matter similar to independent claim 1. Specifically, independent claim 25 recites, among other things, a method of treatment of refractive errors of an eye including the steps of separating a first surface of the first corneal layer from a second surface of the second corneal layer, exposing the second surface at an area that intersects the main optical axis of the eye and coating a surface of the inlay after implanting the inlay with a compound that promotes bonding with the cornea with the area that intersects the main optical axis.

Therefore, for similar reasons as discussed above for independent claim 1, Applicant submits that independent claim 25 and its dependent claims 26-29 are allowable over the cited references.

Claims 7, 10 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Lindstrom patent in combination with the Bronstein and Steele patents and further in

combination with U.S. Patent No. 5,332,802 to Kelman et al. The Action states that the combination of these references renders the above claims obvious.

The Kelman patent teaches the production of a chemically modified, crosslinkable, telopeptide-containing, naturally crosslinked, solubilized collagen from tissue obtained from a human donor.

Applicant submits that the Kelman patent does not overcome the deficiencies (as discussed above) of the Lindstrom, Bronstein and Steele patents and therefore does not render independent claims 1 and 25 obvious nor any of their respective dependent claims.

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Lindstrom patent in combination with the Bronstein and Steele patents and further in combination with U.S. Patent No. 5,964,748 to Peyman. The Action states that the combination of these references renders the above claim obvious.

The '748 Peyman patent teaches modifying the cornea using ablation and/or insertion of ocular material in the cornea.

Applicant submits that the '748 Peyman patent does not overcome the deficiencies of the Lindstrom, Bronstein and Steele patents. Namely, none of these references, alone or in combination, disclose, teach or suggest forming a flap and exposing the second surface at an area that intersects the main optical axis and coating a surface of the inlay after implanting the inlay with a compound that promotes bonding with the cornea with the area that intersects the main optical axis, as recited in amended independent claim 1.

Accordingly, Applicant submits that independent claim 1 and its dependent claims 2-24 are allowable over the cited references.

Claims 13 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Lindstrom patent in combination with the Bronstein and Steele patents and further in combination with U.S. Patent No. 5,919,185 to Peyman. The Action states that the combination of these references renders the above claim obvious.

The '185 Peyman patent teaches directing a laser beam onto certain portions of a blank, so that the laser beam ablates those portions and thus reshapes the blank.

Applicant submits that the '185 Peyman patent does not overcome the deficiencies of the Lindstrom, Bronstein and Steele patents. Namely, none of these references, alone or in combination, disclose, teach or suggest forming a flap and exposing the second surface at an area that intersects the main optical axis and coating a surface of the inlay after implanting the inlay with a compound that promotes bonding with the cornea with the area that intersects the main optical axis, as recited in amended independent claim 1.

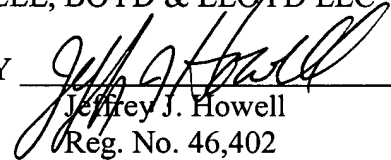
Accordingly, Applicant submits that independent claim 1 and its dependent claims 2-24 are allowable over the cited references.

In view of the foregoing comments and amendments, it is believed the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the number indicated below.

Respectfully submitted,

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